

**COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: INTERVERTEBRAL DISK IMPLANT

the specification of which

- (a) X is attached hereto.
 (b) was filed on as Serial No. or Express Mail No. ,
 as Serial No. not yet known, and was amended on (if applicable).
 (c) X as described and claimed in PCT International Application No. PCT/DE2004/002839
 filed on December 31, 2004 and amended under PCT Article 19 on (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
 I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- (d) no such applications have been filed.
 (e) X such applications have been filed as follows.

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35, USC 119
<u>Germany</u>	<u>DE 103 61 772.8</u>	<u>31 December 2003</u>	<u>X</u> Yes <u> </u> No
<u>U.S.</u>	<u>60/534,344</u>	<u>06 January 2004</u>	<u>X</u> Yes <u> </u> No

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365 (c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date or the prior application and the national or PCT International filing date of this application.

<u>PCT/DE/2004/002839</u>	<u>31 December 2004</u>	<u>Pending</u>
(Application No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.
(List name and registration number)

Gregory Turocy, Reg. No. 36,952
Himanshu S. Amin, Reg. No. 40,894

Customer No. 23623

The undersigned to this declaration and power of attorney hereby authorizes the U.S. attorney(s) named herein to accept and follow instructions from

Name(s) of authorized representative(s) Henning Kloss, Allmendstrasse, 17b

Address 6373 Ennetbürgen Schweiz

as to any actions to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorney(s) will be so notified by the undersigned.

Send Correspondence To:

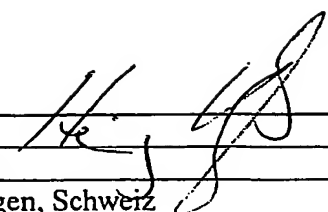
Gregory Turocy
Amin & Turocy, LLP
24TH Floor, National City Center
1900 East 9th Street
Cleveland, OH 44114

Direct Telephone Calls To:
(name and telephone number)

Gregory Turocy
(216) 696-8730

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

Full name of sole or first inventor: Henning Kloss

Inventor's signature: 

Date: 22.06.06 Country of Citizenship: Germany

Residence: Ennetbürgen, Schweiz

Post Office Address: Allmendstrasse 17b

6373 Ennetbürgen, Schweiz

Full name of second or joint inventor: Killian Kraus

Inventor's signature: _____

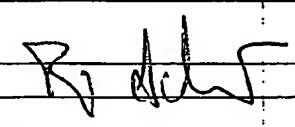
Date: _____ Country of Citizenship: Germany

Residence: Werneck, Germany

Post Office Address: Ahornstrasse 6

DE-97440 Werneck, Germany

Full name of third or joint inventor: Björn Schäfer

Inventor's signature: 

Date: 22.06.06 Country of Citizenship: Germany

Residence: Ruppichteroth, Germany

Post Office Address: Zur Wippenharth 18

DE-53809 Ruppichteroth, Germany

CHECK FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

____ Signature for fourth and subsequent joint inventors. Number of pages added ____.

X This declaration ends with this page.

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Name(s) of authorized representative(s) Henning Kloss, Allmendstrasse, 17b

Address 6373 Ennetbürgen Schweiz

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Send Correspondence To:

Gregory Turocy
Amin & Turocy, LLP
24TH Floor, National City Center
1900 East 9th Street
Cleveland, OH 44114

Direct Telephone Calls To:
(name and telephone number)

Gregory Turocy
(216) 696-8730

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Full name of sole or first inventor: Henning Kloss
Inventor's signature: _____
Date: _____ Country of Citizenship: Germany
Residence: _____ Ennetbürgen, Schweiz
Post Office Address: Allmendstrasse 17b
6373 Ennetbürgen, Schweiz

Full name of second or joint inventor: Killian Kraus
Inventor's signature: [Signature]
Date: 25/06/2006 Country of Citizenship: Germany
Residence: _____ Werneck, Germany
Post Office Address: Ahornstrasse 6
DE-97440 Werneck, Germany

Full name of third or joint inventor: Biörn Schäfer
Inventor's signature: _____
Date: _____ Country of Citizenship: Germany
Residence: _____ Ruppichteröth, Germany
Post Office Address: Zur Wippenharth 18
DE-53809 Ruppichteröth, Germany

CHECK FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

____ Signature for fourth and subsequent joint inventors. Number of pages added ____.

☒ This declaration ends with this page.